



Near Southeast/Southwest
Advisory Neighborhood Commission 6D

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COMMISSIONER

SMD 6 - Rhonda Hamilton
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September 2, 2015

Mr. Tommy Wells
Director, Department of Energy and Environment (DOEE)
Government of the District of Columbia
1200 First Street, N.E., 5th Floor
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tommy.wells@dc.gov

Mr. Brian Kenner
Deputy Mayor for Planning and Economic Development (DMPED)
Government of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004
brian.kenner@dc.gov

Adriana Y. Hochberg
Chief of Staff
Dept. of Energy and Environment
Government of the District of Columbia
1200 First Street, NE, 5th Floor
Washington, DC 20002

Submitted via email and U.S. mail

Re: Voluntary Cleanup Action Plan, 100 Potomac Ave., SW, Buzzard Point; Case No. VCP 2015-031

Dear: Mr. Wells, Mr. Kenner and Ms. Hochberg:

I am the ANC Commissioner who represents 6D06 which is the only residential community near Buzzard Point that includes the properties that will be most affected by the cleanup efforts. I have tremendous concerns about the number of airborne toxins that our residents are exposed to from the heavily contaminated sites that exist down Buzzard Point (i.e. Salvage Yard, Pepco's Buzzard Point Substation, the cement factories, brown fields etc). My constituents have been inhaling air borne toxins from these sites for decades. This Voluntary Cleanup Action has not highlighted the health concerns of these residents or taken into consideration the level of toxic exposure that we deal with on a daily bases.

The health of some of my residents has already been negatively impacted as shown in our Cancer, asthma and allergy rates from breathing in so many of the existing toxins and waste from the industrial

use in Buzzard's Point. I request that a health assessment of my constituents be conducted prior to any remediation efforts and an assessment be done of the predicted health consequences of the affected residential areas to include (**James Creek, Syphax Village and Syphax Gardens, TelCourt. St. James, Greenleaf Gardens, Channel Square and the private homes along South Capitol, Q, 2nd, 1st Street and Carrollsburg Place** Southwest before any mass site cleanup effort.

It is not enough to want to rush, remediate and build on land that has unknown debt of contamination that runs off into the water supply. Everything that is excavated from the ground will become airborne at times and at points. It's not feasible to just dig up this soil and overlook the community. We have too many residents who have suffered the ill consequences health wise of living at the door steps of contamination. Now, is the time for the city including the Mayor's Office and the Department of Energy and the Environment to serious look into and address these concerns before attempting to build on this land or remove any contaminants.

The **Super salvage** is of great concern because it is the most heavily contaminated site down Buzzard Point and in this city. In Int 2.3 under 2015_0802 HAI Cleanup Action Plan, it mentions that samples were taken at 10 locations and that activities at the site interfered with additional sampling. We request more extensive testing of this site that goes at various locations and deeper in the ground so that we know exactly what level of contamination is being dealt with and what risk it poses and has posed on the community including the amount of run off that is going into the water supply. I request that a more accurate funding calculation be made so that the funding that is anticipated to cleanup this site alone is properly estimated so that short cuts in the cleanup efforts are not taken that place our health and well-being at risk. The health of the community should be at top priority and should be more important than rushing to build a stadium on contamination that will still impact and affect visitors, fans, residents and workers on those sites for decades to come.

The **Potomac Electric Power Station** (parcels 5, 6 & 7) is also an area of serious concern especially since the area has been sited over the past decades for contamination by D.C. Regulatory affairs including ground water contamination. The assessment documents mention leaking UST's at these parcels. It also mentions Pepco in their own assessment found TPH, benzene, toluene, ethylbenzene and xylene at elevated levels in ground water and elevate naphthalene and BTEX concentrations. What do these contaminants mean in terms of the level of exposure to these chemical and VOC's for us as residents? We are also exposed to these chemicals as they drain into our water supply including the residents who still consume fish from the Anacostia. The community needs to understand what high levels or concentrations of these chemicals are and what impact does constant and consistent exposure mean for their health. There is not a mention of the residential community at the gateway of Buzzard Point and there level of exposure.

There are men, women and children who live right near Buzzard Point. It is not acceptable to truck these contaminants passed them and to just dig them up and expect them to continue to breath in all of these chemicals at higher levels than they are breathing them in now. There needs to be a plan put forward that significantly takes into account how to minimize the exposure of these residents during clean-up and not only through monitoring. In home checks for current contamination levels need to be conducted now and throughout the clean-up process. The fumes that come from Buzzard Point now are overbearing on the residential area and the constant vehicular traffic, trucks and buses carry that contamination back and forward to the community.

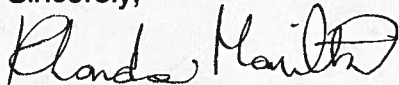
The **Waterfront Substation** site is included in the assessment also which shows levels of contamination on this site at 1st and Q Street, SW. No permits should be issued to Pepco until this site is cleaned up as a part of the Voluntary Cleanup Action Plan. Pepco should not be allowed to just rush and throw that contaminated dust in the air without taking the precautions under this cleanup plan. I think that it is a disservice to the community not to have a cleanup plan for this site and the other contaminated sites that

have not been vetted with the community. It's a disservice to the community to simply issue permits to Pepco to build on contaminated land and throw a huge substation in front of contaminated land before it is even remediated.

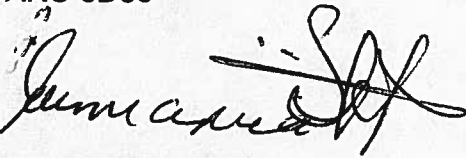
We need the voice of the community to be heard in this cleanup plan. We need our health to be taken into account. This plan contains tests, assessments, and unquestionable evidence of high containment levels that the wider community has not been given an opportunity to look at and go through. It's simply not right to try to move forward with this plan without informing the community. We must look at the overall impact that this plan will have on our residents and how are we going to make sure that we do not have hundreds of trucks lined up to remove this toxic waste while jeopardizing our health. If this is not done correctly it will not only be detrimental to our health, it will be detrimental to the health of everyone that steps foot on the new stadium and every worker that helps remediate this land and construct and build on it.

Representatives from the affected communities have signed on to this letter in support of the protection of the health of the near Buzzard Point Residential community in this remediation effort. We want our health protected. We are worried about how digging up all these toxins will affect us, especially are young children and their life expectancies as well as our own. We want the health of SW residents protected and our concerns taken seriously and looked into.

Sincerely,



Rhonda Hamilton
ANC 6D06



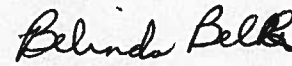
Eumania Leftwich
President
Greenleaf Gardens Resident Council



Gloria Hamilton
Vice President
Syphax Gardens Resident Council



Phyllis Johnson
Manager
TelCourt Cooperative



Belinda Belk
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Washington, DC 20004
brian.kenner@dc.gov

Submitted via email

Re: Case No. VCP 2015-031 Response to Voluntary Cleanup Action Plan, 100 Potomac Avenue, SW, Buzzard Point

Dear Director Wells and Deputy Mayor Kenner:

It is most unfortunate that the public engagement process regarding the VCAP has been so inadequate. Our own District Government should have ensured that community groups and interested parties had been adequately informed about opportunities to fully review and provide feedback on the VCAP especially since it documents a significant number of toxic contaminants in the soil and groundwater across the site. As it is, the release of the VCP coincided with ANC 6D's summer recess. That has meant that even the impacted Advisory Neighborhood Commission was unable to convene to formally vote on a response which would have provided us 'great weight' on one of the most significant economic developments occurring within the boundaries of our own Commission.

Additionally, neither DOEE nor DMPED apparently saw the importance of providing *any* public outreach vehicle beyond what may have been absolutely and minimally legally acceptable. A printed notice in the DC Register that a document as complex and comprehensive as this was available only for onsite review or available by mail -- is simply old school.

Could you have held a public meeting in Southwest on this plan? Of course you could have. Could you have sent a representative to the ANC or SWNA to discuss? Yes. Could you have provided information to The Southwester or Hill Rag, our local newspapers? Yes. And, most importantly, could you -- and *should* you -- have attempted to do outreach to the residents living in public housing who will be most acutely impacted and who live within a stone's throw from the planned project? Again, most assuredly yes.

In her State of the District message Mayor Bowser pledged “A New Era of Government Accountability.” I find no evidence that the handling of this particular VCAP in any way supports this pledge. Clearly, this entire process is more intent on holding to the tight deadlines imposed by the soccer stadium development agreement than actually informing the public and soliciting comments regarding existing environmental concerns regarding the most polluted ground space in the entire District of Columbia – and located less than two blocks from the Anacostia River.

In short, it’s same old same old in the District of Columbia -- and very disappointing.

Accordingly, with inadequate time to fully review and address this application and properly assess the nature and extent of the contamination and the adequacy of the remediation plan, I am providing my own comments as a Single Member District Advisory Neighborhood Commissioner representing the residents of ANC6D-04. I urge you to address whether the studies and analysis conducted by and for the applicant adequately assess the extent of the contaminants and the sufficiency of the proposed remediation plan in Case No. VCP 2015-031.

This site – unlike other development sites in the District that were residential or commercial – was, and still is, an industrial site. Thus, this site contains contaminants (i.e. heavy metals and petroleum by products, and other toxins) consistent with the historical use of the land. It is my understanding that the land owner is responsible for the pollution caused by its activities, even if it migrates off-site.

The CAPs state that “documented petroleum releases and reported chemical concentrations in soil and groundwater have contributed to the decision to enroll in the VCP.” For example, the soil analytical results indicate that TPH GRO, TPH DRO, and several polycyclic aromatic hydrocarbon (PAH), volatile organic compound (VOC), and metals concentrations exceeded the soil screening levels and groundwater analytical results indicated that benzene, DCBP, and ethylene dibromide exceeded the groundwater screening levels.

Unfortunately, the plan is to remove only the top 10 feet of dirty soil and replace it with – supposedly -- clean fill and then build on top of that, covering up the dirty soil and dirty groundwater. The problem with this approach is it leaves contaminants in the soil that will continue to leach into the groundwater and eventually -- if not already -- reach the river. Additionally, that plan may not properly protect residents who currently live immediately adjacent to the area or new residents who may be moving onto Buzzard Point in the future.

The District’s Voluntary Cleanup Program is codified in law at DC Code § 8-633.01 *et seq.* The District’s Hazardous Waste and Underground Storage Tank regulations are codified at 20 DCMR Chapters 42-70.

Regarding groundwater contamination:

The site is relatively flat with a gradual downward slope towards the river. This site is only .1 miles from the Anacostia River, yet I did not see any tests to ascertain if the admittedly contaminated groundwater has migrated into the river. The CAP states that the “depth and flow of groundwater is unknown,” yet it also states that the “groundwater flow is anticipated to be tidally influenced based on the location of the Anacostia.” Thus, you already *know* that polluted groundwater is moving towards the river and testing can easily be done to ascertain the depth and flow to better understand how the contaminated water is leaching into the river.

Unfortunately, the CAP dismisses any reason to address contaminated groundwater since “*it will not be a source of potable water used for drinking or irrigation.*” Honestly? You’re going to let that slide?

Surely, allowing an industrial site to leach contaminants into the river contradicts two decades of District policy and this Administration’s stated goal to clean the Anacostia.

Regarding Public Health:

It is also disconcerting is that although the CAP addresses possible exposure (contaminated soil and air emissions) to construction workers, there is absolutely no mention of the nearby community and shows callous disregard for the possible exposure to residents living within a few blocks of the site.

I am concerned that the applicant used Tier 0 evaluation most of the time (although they did use Tier 1 in a few instances) instead of Tier 1 or Tier 2 given the site’s location in an urban area near residential and commercial facilities. And the CAP provides absolutely no recognition that even more residents are planned with expected development in that area, apparently neglecting to consult its own Buzzard Point Framework and Implementation Plan:

<http://dmped.dc.gov/publication/draft-buzzard-point-vision-framework-implementation-plan>

Given the following possible tiered evaluation criteria that could have been used ...

Tier 0 evaluation - an analysis of levels of chemicals of concern based upon a comparison of test results from soil and water samples to the District of Columbia's standards for concentrations of TPH, BTEX, and benzene in soil.

Tier 1 evaluation - a risk-based analysis to develop non-site-specific values for direct and indirect exposure pathways utilizing conservative exposure factors and fate and transport for potential pathways and various property use categories (for example, residential, commercial, and industrial uses). The Water Quality Standards for Groundwater set forth in 21 DCMR Chapter 11 and values established under Tier 1 will apply to all sites that fall into a particular category.

Tier 2 evaluation - a risk-based analysis applying the direct exposure values established under a Tier 1 evaluation at the point(s) of exposure developed for a specific site and

development of values for potential indirect exposure pathways at the point(s) of exposure based on site-specific conditions

... I question why is it acceptable to use the *lowest standard given the urban/populated location*? Shouldn't this Tier 0 evaluation be simply unacceptable because DC Code § 8-633.05(b)(3) says that plans must follow the District's leaking underground storage tank (LUST) standards?

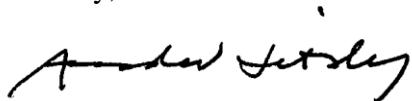
Additional Concerns Regarding Known Pollutants:

As previously stated in ANC6D's response to DOE this spring, I have continuing concerns regarding the remediation plans since the VAP "identifies the presence of metals, petroleum compounds (TPH-DRO and TPH-GRO) and Volatile Organic Compounds in soil and groundwater." However, the application fails to mention the exact known pollutants, such as PAHs, and fails to mention the severity of some of these pollutants in both the level of toxicity and contamination to the soil and groundwater in the area, and that

- Most of the sites in this VCP application exceeded the screening criteria for metals, polycyclic aromatic hydrocarbons (PAHs), and total petroleum hydrocarbons (TPH) concentrations.
- The Akridge site is contaminated with petroleum and chlorinated solvents.
- The Pepco site is contaminated with petroleum and hazardous materials, such as PCBs, and a "potential free product plume beneath the Site, down-gradient of two aboveground storage tanks.
- The Super Salvage site is contaminated with cadmium, lead, benzene, MEK, tetrachloroethylene, trichloroethylene.

I look forward to receiving a response to my concerns. Thanks for your attention.

Sincerely,



Andy Litsky
Commissioner, ANC-6D04
423 N Street, SW
Washington, DC 20024
alitsky@aol.com



ANACOSTIA WATERSHED SOCIETY

September 4, 2015

James R. Foster
President

Voluntary Cleanup Program
Department of Energy and Environment
Government of the District of Columbia
1200 First Street, N.E., 5th Floor
Washington, D.C. 20002

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Submitted via email to James.Sweeney@dc.gov

Re: Voluntary Cleanup Action Plan, 100 Potomac Ave., SW, Buzzard Point; Case No. VCP 2015-031

Dear Mr. Sweeney:

The Anacostia Watershed Society appreciates the opportunity to review and comment on the Buzzard Point Voluntary Cleanup Action Plan (VCAP). However, it is very disappointing that the District, so often a leader in cleanup of contamination and restoration of the Anacostia River, has proposed to forgo a full assessment of the site and now with only partial understanding of the severity of pollutants there – and no attempt to learn the extent to which proven contaminated groundwater is transporting these contaminants to the Anacostia River just one-tenth of a mile away – is on the verge of approving and rushing into a cleanup plan that at best only partially treats serious chemical pollution of soil and groundwater at the Buzzard Point proposed soccer stadium site.

Instead of fully investigating the problem and devising a remedy to match, a partial investigation was conducted and a “good enough” plan was set forth. Unfortunately the plan only partially addresses the contamination problems that exist there.

By law the property owner, in this case the government of the District of Columbia, is responsible for contamination on its property as well as any that migrates off-site. Investigations, therefore, should have gone further to better understand hydrology and groundwater flow so that any further contamination is addressed before redevelopment of the properties. Contaminants that have and continue to migrate to the Anacostia River need to be addressed for the District to meet its obligations and commitments to clean up the Anacostia River as required

Clean the Water, Recover the Shores, Honor the Heritage

by the Clean Water Act and other laws, regulations, and agreements.

The environmental assessments included in the VCAP proposal clearly show that the groundwater is seriously contaminated. The cleanup plan asserts that these contaminants do not need to be addressed because the water will not be used as potable drinking water or for irrigation. While that may be true for drinking water standards, the Clean Water Act and the District's Water Pollution Control Act require cleanup if the groundwater is leaching into the river, and yet the environmental assessments commissioned by top government officials (originating in the previous administration and *not* by the District environmental department or professionals) did not even attempt to study or characterize groundwater flow and whether it is contaminating the river. This is a serious oversight that could have substantial repercussions.

In this case, given the findings from Phase I and II assessments that the groundwater is contaminated, an Environmental Site Assessment Phase III is needed to understand groundwater flow and any contamination that might be leaching. Phase III involves installing monitoring wells for a detailed hydrogeological investigation including groundwater level gauging, aquifer testing, and groundwater monitoring. The VCAP under consideration here only identifies where and which pollutants exceed standards in soil and groundwater. It stops short of the important characterization of groundwater flow or contaminant migration.

We strongly request that further groundwater sampling and characterization be done on and around the site and that contingencies be fully developed for onsite treatment (pump and treat systems are commonly considered for sites such as this) – during construction and permanently, especially to eliminate or minimize future contamination from the site to the groundwater.

If the District feels compelled to approve a VCAP by September 30, 2015 for other contractual reasons (that the date is a legal milestone for site development that carries substantial costs and risks if missed, for example), we urge that the VCAP language and process recognize and include a clear process and requirements to further identify and understand contaminants on the site, and employ best practices to remove or remediate them, including but not limited to the installation of onsite treatment of contaminated groundwater.

If an amendment is required to the legal agreement between the parties, then the earlier presented and resolved the better. All parties should want what's best to restore the site to a condition that fully supports proposed use, and that makes it a positive contribution and asset to area communities and for the long term health of the river. The better and more thoroughly these matters are addressed now, the less cost in the long run for everyone.

Larger groundwater problem and remediation – couple the remediation of two sites.

The degree to which the highly contaminated groundwater (and known or potential continuing sources for it) is not cleaned up on the site requires a redoubling of effort and commitment for offsite measures. It is unacceptable to even consider an option for NOT treating known contamination of sites of this nature and with this much potential value and impact on people, communities, and natural resources -- including the Anacostia River, the Potomac River and the

Chesapeake Bay -- and for economic development and vitality, and long term sustainability and public health.

Comprehensive approach to address groundwater contamination at Buzzard Point.

The pending implementation of plans developed in recent years to relocate and rebuild the Frederick Douglass South Capitol Street Bridge a slight distance down the Anacostia from its current location, and the building of other infrastructure serving the bridge and adjacent properties offers a possible opportunity for the comprehensive assessment and treatment of contaminated land and groundwater for much of Buzzard Point. The new bridge project will be the largest and most costly public project ever for the District, eclipsing even the recent 11th Street Bridge project.

The District is in negotiation to purchase substantial parcels of land along the Anacostia for infrastructure relating to construction of this Bridge. Some of these are adjacent to the soccer stadium site and all are, some in very direct ways, part of the same groundwater system and with many similar contamination problems. This means that the District will be the responsible owner of a substantial amount of property (much of it contiguous) from the Anacostia River to and including the soccer stadium site for which it will be the property owner leasing the site to the soccer team.

Being the owner of this extensive set of properties, makes the District not only responsible for their cleanup, but with an even more extraordinary interest that the cleanup be done comprehensively and as permanently as possible for public and environmental health, and for the substantial ongoing benefits that a clean Anacostia River will bring to the District. Its leadership here can be a critically important factor to advance river cleanup which if done properly will rightfully be recognized as one of the nation's most important and visible conservation success stories. The District has committed substantial resources and leadership toward developing a comprehensive plan to clean up toxics from the sediments of the river. This cannot be complete without fully understanding and eliminating or remediating past and current sources of Anacostia and Potomac River toxic contamination through the soils and groundwater at and around Buzzard Point.

For this broader and more comprehensive approach to groundwater assessment and remediation to work, and to be acceptable as a potential option, requires full budget support and administrative commitment codified in law.

To use this area-wide approach to protect the Anacostia presents remediation opportunities at and beyond the stadium site to fully address contamination that can and does migrate across and under property boundaries.

Other serious concerns and reservations

Without disparaging the integrity, ethics or professionalism of any of those involved in this proposal and its regulatory review, there is an obvious appearance of a potential conflict of interest having the Department of Energy and Environment (DOEE) review and approve a plan

that has been developed and submitted by the division of government to which it reports, the Office of Deputy Mayor for Planning and Economic Development (DMPED).

The comment period and public engagement process for a project of this magnitude is and has been highly insufficient. Projects of this magnitude and with this level of contaminant warrant a full public participation and engagement plan with scheduled public meetings, briefings and ongoing systems of communication and community engagement including a formally constituted community advisory group.

In other locations and circumstances the magnitude and potential impact of a project such as this, coupled with applicant - regulator oversight and independence questions, one might see consideration for community leaders and groups to select an independent contractor, paid for by the applicant, to review the proposal for sufficiency.

Community groups and interested parties should be provided opportunities to become better informed about the contamination and this proposed plan to clean it up. Ample time should be given to allow those interested to *fully* review and provide feedback on this VCAP (some 6,000 pages total). We recommend that a public meeting be held by the applicant before this VCAP is approved or denied to allow those interested to learn more about the cleanup activities and have their concerns heard and addressed.

Development of a robust community engagement plan coupled with a public advisory committee would also be welcomed and very helpful to facilitate project updates and regular discussions throughout the cleanup process. We are aware of at least two active community advisory groups of this kind that are currently operating in the District, one established for the Pepco Benning Road facility remedial investigation and feasibility study that has been actively engaged for over three years, and another recently established for Pepco's Buzzard Point waterfront substation project. The U.S. Environmental Protection Agency has extensive experience and guidance on the establishment of community involvement processes and bodies, as well as substantial interest in seeing that community environmental justice concerns are fully heard and addressed.

In conclusion, we reiterate the importance of a much better understanding of groundwater contamination issues at the site and for plans to expeditiously address them. We fully believe that the knowledge, experience and technology exists today in this community to fully and expeditiously clean up contaminants on the site and in the groundwater so that development can rapidly proceed for such an important and high-profile use. Some of the key questions for us, and for regulators to answer in reviewing and responding to the proposed VCAP, are whether the studies and analysis conducted by and for the applicant adequately assess the extent of the contaminants and the sufficiency of the proposed remediation plan. Our expedited review of the proposal, highly constrained by inadequate time to present our findings and recommendations, leads up to conclude that they do not.

There are many important milestone identified recently for expeditious development of this site. We fully support the quality redevelopment of the many areas of the urban riverfront such as this. We see this as essential and compatible with the extensive work and commitment required for restoration. One of the most important milestones to which the District is committed is a

clean and healthy Anacostia River. We ask that the interests of a healthy river, river users, and those of adjacent communities be fully considered and well served here and in the future. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Smith". The signature is fluid and cursive, with a large initial "D" and "S".

Dan Smith, Public Policy and Advocacy Director
Anacostia Watershed Society
(301) 699-6204 x115
DSmith@anacostiaws.org

cc: Brian Kenner, Deputy Mayor for Planning and Economic Development
Tommy Wells and Richard Jackson, Department of Energy and Environment

Comments from David Power, Attorney at Law

The following are my initial public comments on the Buzzard Point Cleanup Action Plans. Your Department should reject these plans because they contradict common sense, disregard settled construction engineering principles and contradict scientific facts regarding geology and hydrology at the site, and also attempt to justify no action to clean up soils and groundwater which contain hazardous and toxic chemicals at levels higher than District of Columbia and federal (EPA) screening levels.

The Cleanup Action Plans Are Incomplete

No member of the public can submit complete public comments on these cleanup action plans, because the plans are based on chemical detection procedures which are inherently biased against producing precise measurements of the concentrations of toxic and hazardous chemicals present in the groundwater. In other words, the cleanup action plans are not credible because they do not provide complete empirical data showing how much of the groundwater would need a "cleanup," because it is assumed *ab initio* that none of the groundwater needs a "cleanup" because it is assumed that no humans will have contact with the groundwater because it is assumed that none of the groundwater is present above ten feet below ground surface ("bgs") and it is assumed that none of the foundations will require excavations below ten feet bgs or disturb any of the groundwater or soil below ten feet bgs. These are not plans for taking cleanup "action," they are plans for taking "no action" to clean up any groundwater and for taking "no action" to clean up any soil below ten feet bgs, based on dubious construction assumptions, and deficient or inadequate chemical testing.

I respectfully submit that the District of Columbia Department of the Environment (DC DOE) must reject both cleanup action plans and order submission of credible substitute cleanup action plans that are not based on assumptions which preclude the necessity of any cleanup of groundwater or the need to cleanup any soil from below ten feet bgs. In particular, DC DOE must reject any cleanup action plans that assume excavations for foundations and other purposes, such as removal of USTs and ASTs, removal of old utilities, installation of new utilities, will be dug no deeper than ten feet bgs and which assume that groundwater and soil below ten feet bgs will not be disturbed by any construction activities, such as the driving (or drilling) of foundation piles (or piers).

The Cleanup Action Plans Contradict Common Sense

The cleanup action plans contradict common sense by implying that a stadium seating twenty thousand (20,000) spectators (see stadium FAQ, <http://www.dcunited.com/stadium/faq-buzzard-point-stadium> (last visited Aug. 14, 2015)), and other large structures, possibly including a multistory hotel, could be constructed on the stadium area and the ancillary area, respectively, with excavations no deeper than ten feet bgs, when there is apparently no bedrock under the site, at least not at a depth of 35 feet bgs. Common sense, and at least one published academic work by an engineering college student, dictates that both areas will require the use of foundation pilings or piers to support such large structures, and that such foundations must be deeper than ten feet bgs. In fact, the foundations at the Nationals ballpark, built on very similar soils, where no bedrock was found, are 45 feet deep, according to one academic work.

It is possible that the baseball playing field at the Nationals ballpark was built deeper than the soccer field will be built at the Buzzard Point stadium area. One Internet source reported that the playing field at the Nationals ballpark was built 24 feet below ground surface. <http://m.mlb.com/news/article/1709062/> (last visited Aug. 14, 2015). If the bottom of the foundation pilings at the ballpark are at 45 feet bgs, then they are 21 feet below the baseball playing field. One of the reports from Hailey & Aldrich, Inc. ("HAI") concerning the Buzzard Point site states that the soccer field will be built at grade level, which is assumed

to be the same as ground surface. See, e.g., HAI, stadium area cleanup action plan, section 1.1 "Proposed Development," PDF p.6 (marked p.1) ("The elevation of the playing field and stadium entrances will be at approximately the existing Site grade. There will be no below grade building spaces. To facilitate the construction of the stadium foundations, there will be no excavations deeper than 10 feet below the existing ground surface.") Accordingly, if the bottoms of the foundation pilings at the soccer stadium will also be only 21 feet below the playing field, it is possible that the bottom of the foundation piers or piles at the soccer stadium will be only 21 feet bgs, which means they may be only 11 feet below the bottom of the excavations which are assumed to be only ten feet bgs.

Even assuming that all foundations for the soccer stadium will be built upon piers or "piles" driven or drilled from the bottom of excavations limited to ten feet bgs, even the process of driving or drilling foundation piers or piles through 11-35 feet of soil will release groundwater from below ten feet bgs and will release the VOCs and SVOCs contained in that groundwater. There is no assessment or certification by a professional engineer in either cleanup action plan that construction of the stadium and construction of all buildings planned for the ancillary area, and all other construction, can be lawfully and safely executed with excavations no deeper than ten feet bgs with deeper foundations that will not release soils or groundwater from levels below ten feet bgs.

The ancillary area cleanup plan states "As currently envisioned by the stadium design team, the Ancillary Development will most likely include concession space, merchandising space, and other soccer related entertainment venues. There will be no below grade building spaces. To facilitate the construction of the Ancillary Development foundations, there will be no excavations deeper than 10 feet below the existing ground surface." HAI, ancillary area cleanup action plan, PDF p.1 (marked p.6). One report published July 24, 2013 disclosed that the soccer team owners want to build a multistory hotel on the ancillary area site, which may be what is encompassed in the phrase "other soccer related entertainment venues." http://www.washingtonpost.com/local/mayor-gray-dc-united-reach-tentative-deal-on-soccer-stadium-for-buzzard-point/2013/07/24/b3c6594e-f315-11e2-ae43-b31dc363c3bf_story.html (last visited Aug. 15, 2015). However, the formal term sheet dated as of July 25, 2013 did not refer to a hotel, although it did include development of the "ancillary" area. http://oca.dc.gov/sites/default/files/dc/sites/oca/page_content/attachments/Soccer%20Stadium%20Term%20Sheet%20%28executed%20copy%29.pdf (see section 5, PDF pp.10-11). A more recent report published this month (August 2015) reveals that a hotel is, in fact, a possible development on the ancillary area. See, <http://www.washingtonpost.com/news/digger/wp/2015/08/03/united-hires-nationals-park-architects-to-design-stadium/> (last visited Aug. 14, 2015): "Knight and Spear said they did not know if development of ancillary buildings for restaurants, shops and possibly a hotel along Half Street SW, which are included in the stadium plan, would be erected with the stadium or later."

Incidentally, the same firm that designed Nationals ballpark is going to design the Buzzard Point soccer stadium. <http://www.washingtonpost.com/news/digger/wp/2015/08/03/united-hires-nationals-park-architects-to-design-stadium/> (last visited Aug. 14, 2015).

There is no engineering justification for assuming that merchandising space, concession space and "other soccer related entertainment venues" -- with or without a multistory hotel -- can all be constructed without foundation pilings or piers, and, like the Nationals ballpark, those foundation pilings or piers must be drilled or driven deeper than ten feet bgs, possibly as deep as 45 feet bgs.

Indeed, PDF pp.2-3 of the cleanup action plan for the SuperSalvage parcel admitted as follows: "The Site is planned for redevelopment as part of the new D.C. United soccer stadium. At this time, *design drawings have not been prepared for the new stadium.* For the purpose of the Voluntary Cleanup Program application, *an excavation of up 10 feet below ground surface (bgs) has been assumed for foundation construction of the proposed stadium.* The soil investigation considered this depth of

excavation to assess soil disposition during demolition."

Hailey & Aldrich, Inc., June 15, 2015 Phase II Soil and Groundwater Investigation Report, Voluntary Cleanup Program, Super Salvage, Inc., Parcel at Buzzard Point, Square 0605, Lot 0802, File No. 40223-002, PDF pp.2-3 (marked pp.1-2) (italics added).

The burden is on the proponent of the cleanup action plans to prove that foundations for all structures will not disturb soils or groundwater below ten feet bgs. There is no scientific or engineering basis for the assumption presented in both cleanup action plans that only soils above ten feet bgs will be disturbed and need remediation. HAI was retained by McKissack & McKissack to produce the cleanup action plans, and submitted those plans to McKissack & McKissack. That same firm, McKissack & McKissack, was responsible for "program management" for the Nationals ballpark. http://midatlantic.construction.com/projects/MACN_TopProjects_Started_Fall06.asp (item 2) (last visited Aug. 14, 2015). The same firm that designed Nationals ballpark will design the Buzzard Point soccer stadium. McKissack & McKissack and the soccer stadium architects certainly know at this time, and were obligated to inform HAI, exactly how the foundations will be constructed for the soccer stadium and the possible ancillary area buildings, and whether such foundations would require pilings or piers below ten feet bgs, like the Nationals ballpark did. HAI's claim of ignorance due to the lack of "design drawings" is not credible, given its access to and engagement by McKissack & McKissack and DC's hiring of the architects who designed the Nationals ballpark to design the soccer stadium and ancillary area. On that single basis, DC DOE should reject both cleanup action plans.

In an undated engineering student's thesis submitted to Penn State's engineering school, the student reported the following regarding the Washington Nationals ballpark stadium foundations:

"The ballpark consists of a deep foundation system. They are using 14" Steel H-piles which were driven down 45 feet to gain the allowable bearing capacity of 100 tons per pile. They were left 2'6" above the slab-on-grade so that the structure can tie into the foundation system. The foundation system was selected due to the site containing very hard clays and silty sands, which is typical since it is located right along the Anacostia River."

The Washington Nationals Ballpark, Technical Report 1, Construction Project Management, by Moore, Matthew T., Architectural Engineering Dept., Penn State University, 104 Engineering Unit A, University Park, PA 16802, telephone (814) 883-5709, fax (814) 863-4789, available at <http://www.engr.psu.edu/ae/thesis/portfolios/2008/mtm213/tech1/final/tech1final.pdf> (last visited Aug. 14, 2015), PDF p.4 (marked p.3 of 21). The cost estimates and authorship are disclosed on PDF p.20, which is dated Sept. 26, 2007.

That same thesis describes the soils under the Nationals ballpark as follows:

"The proposed ballpark structure will have concrete framing which will then support a steel frame. The design loads are from approximately 200 kips to 3600 kips. There were 19 test borings taken in 2 different phases. In phase 1, 6 test borings were initially taken and then in Phase 2, 13 test borings were taken. The site is underlain with loose/soft fill consisting of silt, fat clay and silty sand, with asphalt, concrete and brick fragments down to 25 feet below the surface. The next level of soils consist of alluvium and terrace deposits containing inter-bedded deposits of medium stiff to hard fat clay, very soft to hard lean clay and sandy silt, and dense to very dense clayey sand to poorly graded gravel down to 72 feet. They are then followed by stiff to hard sandy lean clay to fat clay and dense to very dense poorly graded sand with clay to clayey sand down to 100 feet. The allowable bearing capacity of 3000 psf is to be located on natural soils and on the sand filters they can carry a capacity up to 2000

psf. The recommendation for the foundations is that it is to be a deep foundation system with the use of 14 inch steel H-piles. The backfill is to consist of SM, SP, SW, GM, GC, GP or GW soils per ASTM D-2487 with a liquid limit of 45 and plasticity index of 15. The fill that is placed behind a retaining wall should be compacted to 95% of the max dry density as per ASTM D-698."

Id., "Site Conditions - Geotechnical Report," PDF p.13 (marked p.12 of 21)

There is no mention of bedrock underneath the Nationals ballpark site in that student's thesis. Similarly, the cleanup action plans for Buzzard Point reported that no bedrock was found underneath the site, at least not at a depth of 35 feet bgs. See Hailey & Aldrich, Inc., CLEANUP ACTION PLAN, VOLUNTARY CLEANUP PROGRAM, BUZZARD POINT D.C UNITED SOCCER STADIUM DEVELOPMENT, WASHINGTON, D.C. (hereafter and previously cited as "stadium area cleanup action plan"), PDF p.8 (marked p.3), section 1.4.3, Geology: "The Site is underlain by a surficial layer of fill soil and the underlying native soils consist of clay, sand, and gravel. Approximately 10 feet of fill material was encountered at the Site consisting of clayey sand and sandy lean clay with variable amounts of gravel, and small quantities of construction debris. Clays, sands, and clayey gravel were observed beneath the fill to a depth of approximately 35 feet bgs. Direct push borings advanced during previous investigations at the Site did not encounter bedrock." The same section does claim that "Paleozoic geologic age crystalline bedrock underlies the marine sediments," but does not say at what depth below ground surface the bedrock is found.

See also Hailey & Aldrich, Inc., CLEANUP ACTION PLAN, VOLUNTARY CLEANUP PROGRAM, BUZZARD POINT D.C UNITED SOCCER STADIUM, ANCILLARY DEVELOPMENT, WASHINGTON, D.C., PDF pp.7-8 (marked pp.2-3), section 1.4.3, Geology (hereafter and previously cited as "ancillary area cleanup action plan").

The Cleanup Action Plans Are False and Misleading

The cleanup action plans are further deficient and misleading because they and the related Phase II environmental testing reports have been carefully scrubbed to delete all references to "carcinogenic" compounds found in the testing. Previous Phase I and Phase II environmental testing reports on those sites admitted that concentrations of carcinogens were found at levels exceeding federal and DC limits widely dispersed in the soil and groundwater over several of the parcels. The words "cancer" and "carcinogen" and "carcinogenic" have been carefully suppressed in the cleanup action plans and their related Phase II environmental testing reports. Those plans are therefore false and misleading, and should be summarily rejected by DC DOE.

The Cleanup Action Plans Deliberately Failed to Test for All Environmental Pollution by Toxic and Hazardous Chemicals

Both the ancillary area cleanup action plan attached to your 1:22 pm message on August 10, and the stadium area cleanup plan attached to your 4:06 pm message on August 7, include similar paragraphs regarding groundwater testing which include a key sentence designed to obfuscate the facts. The groundwater testing subsection in both plans states as follows: "Reported detection limits for select VOCs and SVOCs exceeded the groundwater screening levels, though the results were non-detect."

To a layperson, those sentences may be appealing because they imply that hazards or toxins were "not" detected, but those sentences in fact state precisely the opposite. Those sentences mean that the chemical testing methods chosen to investigate for the presence of volatile organic compounds and semi-volatile organic compounds *were not sensitive enough* to detect toxic and hazardous pollution *at the levels defined by federal and DC regulations* as the "screening" levels. In other words, *every sample of groundwater*

could have contained toxic and hazardous pollution by VOCs and SVOCs that *exceeded the DC and federal screening levels*, but were lower than the detection limits of the tests and instruments used for the investigation. Every such sample would have been reported as "non-detect," even though the samples contained concentrations of VOCs and SVOCs that require remediation.

The complete paragraphs from which those sentences are quoted are as follows:

Ancillary Area Cleanup Action Plan, Section 3.3.4 "Groundwater"

"Twenty-three (23) groundwater samples were collected and analyzed throughout the Site for VOCs, SVOCs, metals, and TPH. A review of groundwater analytical results indicated that antimony, arsenic, lead, benzene, and methylene chloride exceeded the groundwater screening levels. *Reported detection limits for select VOCs and SVOCs exceeded the groundwater screening levels, though the results were non-detect.* Groundwater exceedances from 2015 sampling are shown in Figure 5. Groundwater sample analytical results are provided in Table 2.

"Groundwater beneath the Site will not be a source of potable water and therefore not used for drinking water or irrigation. Metals and VOC concentrations that exceed maximum contaminant levels therefore do not pose a threat to human health via the ingestion pathway and do not warrant groundwater remediation. The VOC concentrations in groundwater do not exceed the DC Tier 1 Risk-based groundwater screening levels for indoor and outdoor inhalation. The vapor intrusion pathway is further discussed in Section 5.3." Ancillary Area Cleanup Action Plan, PDF p.13, marked p.8 (italics added).

Stadium Area Cleanup Action Plan, Section 3.3.6 "Groundwater"

"3.3.6 Groundwater

"Twenty-three (23) groundwater samples were collected and analyzed for VOCs, SVOCs, metals, and TPH. A review of groundwater analytical results indicated that antimony, arsenic, lead, benzene, and methylene chloride exceeded the groundwater screening levels. *Reported detection limits for select VOCs and SVOCs exceeded the groundwater screening levels, though the results were non-detect.* Groundwater exceedances from 2015 sampling are shown in Figure 9. Groundwater sample analytical results are provided in Table 4.

"Groundwater beneath the Site will not be a source of potable water and therefore not used for drinking water or irrigation. Metals and VOC concentrations that exceed maximum contaminant levels therefore do not pose a threat to human health via the ingestion pathway and do not warrant groundwater remediation. The VOC concentrations in groundwater do not exceed the DC Tier 1 Risk-based groundwater screening levels for indoor and outdoor inhalation. The vapor intrusion pathway is further discussed in Section 5.3." Stadium Area Cleanup Action Plan, PDF p.17, marked p.12 (italics added).

Conclusion

Accordingly, DC DOE should reject the cleanup action plans because they are, at best, incomplete and, at worst, deliberately deficient and misleading. The plans do not include complete environmental testing capable of discovering all environmental pollution above DC and federal screening levels requiring environmental remediation.